



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

03/17/2014

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Silverton Plan Amendment
DLCD File Number 002-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, April 01, 2014

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Jason Gottgetreu, City of Silverton
Gordon Howard, DLCD Urban Planning Specialist
Angela Lazarean, DLCD Regional Representative

<paa> YA



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 002-13 (20075) [17803]
3/11/2014

Received:

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Silverton

Local file no.: **DC-13-01**

Date of adoption: March 3, 2014

Date sent: 3/11/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): November 5, 2013

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Shipping Containers homes are prohibited

Local contact (name and title): Jason Gottgetreu, Community Development Director

Phone: 503-874-2212

E-mail: jgottgetreu@silverton.or.us

Street address: 306 S Water Street

City: Silverton

Zip: 97381-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from change.	to	acres.	A goal exception was required for this
Change from change.	to	acres.	A goal exception was required for this
Change from change.	to	acres.	A goal exception was required for this
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

2.2.200, 1.4.170, 1.6.300, 1.5.300, 2.2.110, 4.1.200, 4.1.190, 2.3.110, 2.4.110, 1.6.520, 2.8.150, 2.2.120, 2.3.160, 2.4.100, 3.4.800, 4.1.170, 4.3.220, 4.1.400, 2.2.190,

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: N/A

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

City Council Staff Report dated January 24, 2014
Silverton Ordinance 14-01
Dc-13-01 Notice of Decision

CITY OF SILVERTON
ORDINANCE
14-01

AN ORDINANCE OF THE SILVERTON CITY COUNCIL RELATING TO AMENDMENTS TO THE SILVERTON MUNICIPAL CODE, TITLE 18, DEVELOPMENT CODE AND ZONING MAP.

WHEREAS, the City of Silverton adopted a new Silverton Development Code (Code) in October, 2008 following two years of work sessions held by the Planning Commission using the Transportation Growth Management Model Code for Small Cities as a model to provide for clear and objective standards and/or land use procedures that allowed for appropriate review; to reflect desired types of development and development standards for the City consistent with the Comprehensive Plan; and

WHEREAS, the Silverton Planning Commission held work sessions to review and update the Code to clarify or create language to be consistent with the Silverton Comprehensive Plan; and

WHEREAS, individual notice has been provided to all property owners and residents within the city of the proposed changes and other notice has been provided via legal advertising in the newspaper, and the City's website, to inform citizens of the proposed changes; and

WHEREAS, a duly advertised public hearing was held on December 10, 2013 to consider the proposed text amendments and the Planning Commission considered testimony received and reviewed the proposed text amendments to Title 18-Development Code and Zoning Map of the Silverton Municipal Code and made certain modifications to the proposed amendments; and

WHEREAS, following public testimony, the Planning Commission deliberated and in a vote of 7-0 recommended approval of the proposed Development Code amendments with certain revisions as noted in the Planning Commission minutes; and

WHEREAS, after proper legal notice, a public hearing before the City Council was held on February 3, 2014 to consider the Development Code Amendment application, DC-13-01. All interested parties participated and had an opportunity to be heard. The City Council reviewed all matters presented to it including the recommendations of the Planning Commission; and

WHEREAS, a full copy of all text amendments can be found in file DC-13-01, located in the Community Development Department at City Hall.

NOW, THEREFORE, THE SILVERTON CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1: That the City Council finds that the proposed amendment, DC-13-01, is consistent with the goals and policies of the Silverton Comprehensive Plan as described in the Staff Report and Findings of Fact attached as Exhibit 'A', which by this reference are incorporated herein and hereby adopted

Section 2: This ordinance shall be effective upon and from 30 days of adoption.

Ordinance adopted by the City Council of the City of Silverton this 3rd day of March, 2014.



Mayor, City of Silverton
Stu Rasmussen

ATTEST:



City Manager/Recorder, City of Silverton
Bob Willoughby

City of Silverton
306 South Water Street
Silverton, OR 97381
(503) 874-2207



*NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER: ORS CHAPTER 225
REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED
TO THE PURCHASER.*

NOTICE OF DECISION

Date Notice Mailed: March 11, 2014

Effective Date: April 1, 2014

Hearing Body: City Council

File #.: DC-13-01

TYPE OF APPLICATION: A legislative Development Code Amendment (DC-13-01) to amend portions of the development code.

APPLICANT(S): City of Silverton, Community Development Department, 306 S Water Street, Silverton OR 97381

LOCATION AND MARION COUNTY ASSESSOR'S MAP & TAX LOT NUMBER(S): City Wide

DECISION: On March 3, 2014, the City Council approved the above referenced Development Code Amendment (DC-13-01) by passing Ordinance 14-01. This ordinance adopted a revised Silverton Development Code. The file is located at City Hall and is available for review.

Because you testified either orally or in writing during the public hearing process, we are required by law to notify you of this decision. Any interested person who disagrees with the City Council's decision may request that the application be considered by LUBA (Land Use Board of Appeals). Appeals to the Land Use Board of Appeals must be filed within 21 days of the mailing of this notice.

Routing (For Department Use Only)

<i>Applicant:</i>	<u>0</u>
<i>Applicant's Representative</i>	<u>0</u>
<i>Applicant's Engineer</i>	<u>0</u>
<i>Persons With Standings:</i>	<u>8</u>
<i>Public Works Engineering:</i>	<u>1</u>

<i>Building Department:</i>	<u>1</u>
<i>Silverton Fire District:</i>	<u>1</u>
<i>Police Department:</i>	<u>1</u>
<i>Marion County Road Dept.</i>	<u>0</u>
<i>File No. DC-13-01</i>	<u>1</u>



City of Silverton
Community Development
306 South Water Street
Silverton, OR 97381

STAFF REPORT

PROCEDURE TYPE IV

LAND USE DISTRICT:

CITY WIDE

PROPERTY DESCRIPTION:

ASSESSOR MAP#: CITY WIDE

LOT #: ALL

SITE SIZE: 2,214 ACRES

ADDRESS: _____

PROPOSED DEVELOPMENT ACTION: DEVELOPMENT CODE AMENDMENT TO AMEND PORTIONS OF THE SILVERTON DEVELOPMENT CODE.

DATE: JANUARY 24, 2014

- Attachments
- A. Staff Report
 - B. Testimony
 - C. Appeal Information

CASE FILE: DC-13-01

APPLICANT:

CITY OF SILVERTON

306 SOUTH WATER STREET

SILVERTON, OR 97381

APPLICANT'S REPRESENTATIVE

JASON GOTTGETREU

CONTACT PERSON:

JASON GOTTGETREU, 503-874-2212

LOCATION: CITY WIDE

ATTACHMENT A: STAFF REPORT, DC-13-01

I. APPLICABLE STANDARDS

A. Silverton Development Code (SDC):

Article 4 – Administration of Land Use Development

Section 4.1.500 Type IV Procedure (Legislative)

Section 4.7.200 Legislative Amendments

Section 4.7.600 Transportation Planning Rule Compliance

B. Silverton Comprehensive Plan Elements:

2. Urbanization

4. Open Space, Natural and Cultural Resources

5. Air, Water, and Land Resource Quality

6. Natural Hazards

7. Housing

9. Transportation

10. Energy

11. Public Facilities and Services

12. Citizen Involvement

II. Development Code Amendments

SECTION A. Review Criteria & Findings

Legislative amendments are policy decisions made by City Council. They are reviewed using the Type IV procedure in Section 4.1.500. Amendments to the Comprehensive Plan and amendments to Zoning and Development Code or Zoning Map necessitating a Comprehensive Plan amendment, may be approved if the City Council finds that the change is consistent with the following criteria:

- A. *The amendment is consistent with the goals and policies of the Comprehensive Plan, the statewide planning goals, and any relevant area plans adopted by the City Council;*
- B. *The amendment conforms to the Transportation Planning Rule provisions as implemented through Section 4.7.600 of this Code; and*
- C. *The amendment is in the public interest; for example, it is needed to meet changing conditions or new laws.*

The following is a brief summary of the proposed development code amendments as recommended by the Silverton Planning Commission followed by findings of compliance with the review criteria. A more detailed description of the changes can be found in Section B of this report.

1. *Exempt solar photovoltaic energy systems or solar thermal energy systems from the Conditional Use process. (State Mandate)*

The Goal of the Energy element of the Comprehensive Plan (Comp Plan) is to “Conserve energy resources and encourage use of reusable energy resources.” This amendment allows solar energy facilities to be located within the City without having to go through the Conditional Use process which makes installing them easier, thereby encouraging their use. The Transportation Planning Rule (TPR) is not applicable to this amendment as it will not significantly affect a transportation facility. As technology advances, these systems will become more cost effective and this amendment addresses those changing conditions. No other element of the Comp Plan is applicable to this amendment.

2. *Adopt more specific Industrial Performance Standards.*

The Goal of the Economy element of the Comp Plan is to “Diversify and improve the economy of Silverton”. This amendment is designed to create clear standards for prospective industrial users that layout the regulations they have to meet in order to operate an industry in Silverton. This is designed to help remove uncertainty of what is and what is not allowed within the Industrial Zoning Districts. The TPR is not applicable to this amendment as it will not significantly affect a transportation facility. No other element of the Comp Plan is applicable to this amendment.

3. *Create a Heavy Industrial Use Category allowed through Design Review with a Public Hearing before the Planning Commission.*

The Goal of the Economy element of the Comp Plan is to “Diversify and improve the economy of Silverton”. This amendment is designed to create a new Use Category that contains industrial uses that have higher potential to impact surrounding areas due to the intensity of operations and require them to obtain Design Review approval by the Planning Commission through a Public Hearing prior to operations. Doing this allows all uses providing they can prove compliance with the Industrial Performance Standards with review by the Planning Commission to address any additional impacts on a case by case basis. The TPR is not applicable to this amendment as it will not significantly affect a transportation facility. No other element of the Comp Plan is applicable to this amendment.

4. *Define Shipping Container Homes and prohibit them in Silverton.*

Prohibiting shipping container homes, which is a recent trend in housing types, allows the City to address changing conditions by maintaining the existing residential character found in Silverton. The TPR is not applicable to this amendment as it will not significantly affect a transportation facility. No other element of the Comp Plan is applicable to this amendment.

5. *Add language for the development, amendment and implementation of Master Plans where none currently exists*

The goal of the Citizen Involvement element of the Comp Plan is to “insure that the citizens of Silverton and those residents in the planning area have an opportunity to be involved with all phases of the planning process.” There is no current language in the Development Code that outlines the possible steps and processes for creating, updating and implementing Master Plans. This amendment adds guiding language for staff to reference when undertaking a Master Plan project in the future. The TPR is not applicable to this amendment as it will not significantly affect a transportation facility. No other element of the Comp Plan is applicable to this amendment.

6. *Allow Funeral Services as a permitted use in the Commercial and Industrial Districts while retaining Conditional Use approval for Cemeteries, Mausoleums and Crematoriums.*

The Goal of the Economy element of the Comp Plan is to “Diversify and improve the economy of Silverton.” Currently, any potential Funeral Service provider would have to go through the Conditional Use process to locate on any Commercial or Industrial land within the City. This amendment separates Funeral Services from Cemeteries, Mausoleums and Crematoriums. This allows Funerals Services an easier path to locate on Commercial or Industrial lands while retaining a higher level of scrutiny for Crematoriums, which have a higher potential to affect surrounding properties. The TPR is not applicable to this amendment as it will not significantly affect a transportation facility. No other element of the Comp Plan is applicable to this amendment.

7. *Allow Wildlife Rehabilitations Facilities in the Public overlay district.*

The Goal of the Economy element of the Comp Plan is to “Diversify and improve the economy of Silverton.” The Code is does not currently have a Use Category that fits Wildlife Rehabilitations Facilities. This amendment creates such a use and allows it as a Conditional Use within the Public overlay district. The TPR is not applicable to this amendment as it will not significantly affect a transportation facility. No other element of the Comp Plan is applicable to this amendment.

8. *Create a minimum lot depth of 60’ in the R-1 zone where none currently exists.*

The Goal of the Urbanization element of the Comp Plan is to ‘provide adequate land to meet future demands for urban development and orderly development.’ Currently, there is no minimum lot depth for the R-1 zoning district. This amendment defines the minimum depth a lot would have to be during the partition or subdivision process. The front yard setback for a garage opening is 20’ and 15’ for the dwelling portion with the rear yard setback being 20’. This would create a 20’ deep building envelop for a garage and 25’ deep envelope for the dwelling portion on a 60’ deep lot. This amendment creates a standard to ensure lots are created with an adequate building envelope during the land division process. The TPR is not applicable to this amendment as it will not significantly affect a transportation facility. No other element of the Comp Plan is applicable to this amendment.

9. *Allow accessory structures less than 200 square feet on corner lots to be 10’ from the street property lines and 5’ from rear property lines when at least 50’ from through curb intersection, outside of any vision clearance area.*

An objective of the Urbanization element of the Comp Plan is to “consistently apply and enforce the City’s development policies, codes, standards and other regulations to maintain community livability and ensure efficient use of land.” This amendment allows additional flexibility for locating a small accessory structure on a corner lot. While a corner lot technically has two front yards, most people utilize the front yard behind their house as part of their backyard. The backyard is the typical location for accessory structures and the 20’ setback requirement limits the available area. This amendment allows accessory structures to be built outside of the public utility easement in the back portion of corner lots. The TPR is not applicable to this amendment as it will not significantly affect a transportation facility. No other element of the Comp Plan is applicable to this amendment.

10. *Allow three chickens per lot in the R-1 zone subject to standards. Rooster prohibited*

An objective of the Urbanization element of the Comp Plan is to “consistently apply and enforce the City’s development policies, codes, standards and other regulations to maintain community livability and ensure efficient use of land.” The 2010 Community Survey asked respondents if they support allowing urban chickens. The following is the response.

Urban Chickens

The 2010 survey included a question about allowing single-family residential properties to have up to three chickens. Table 3-23 shows the results. Almost 40% of respondents support allowing three chickens that are confined to backyards only while 17% are opposed to chickens under any circumstances.

Table 3-23. Urban Chickens

Statement	Number	Percent
I support allowing a single family residential property to have up to three (3) chickens (no roosters) as long as they are confined to backyards only, and located a reasonable distance from any side or rear yard property line.	364	39.8%
I support allowing a single family residential property to have up to three (3) chickens (no roosters) as long as they are confined to backyards only, AND the City issues a permit, AND the person owning the chickens is required to take a class on how to properly care for them.	148	16.2%
I support the City's current regulations that allow chickens on residential lots of 1-acre and larger only AND do not think it needs to be amended.	153	16.7%
I might support the concept of urban chickens on residential lots smaller than 1-acre, but I would need more information on the subject before forming a final opinion.	96	10.5%
I do not support allowing chickens inside the City under any circumstances.	154	16.8%
TOTAL	915	100.0%

Source: 2010 Silverton Community Survey

This amendment allows the keeping of up to 3 hens while prohibiting roosters. The chickens are required to be housed in an enclosure 10' from property lines and 20' from dwellings on adjacent properties. The chickens are required to be kept in a state that does not constitute a public nuisance, which includes, but is not limited to chickens roaming at large, chickens kept in an unclean and unsanitary condition, and obnoxious smells and substances. If the Community Development Director determines a nuisance exists, the City will follow the applicable regulations to abate the nuisance. The TPR is not applicable to this amendment as it will not significantly affect a transportation facility. No other element of the Comp Plan is applicable to this amendment.

11. Create minimum design standards for accessory structures larger than 200 sq. ft.

An objective of the Urbanization element of the Comp Plan is to “consistently apply and enforce the City’s development policies, codes, standards and other regulations to maintain community livability and ensure efficient use of land.” Accessory structures are currently regulated by area, height and location. This amendment creates additional regulations that require accessory structures larger than 200 sq. ft. to have a similar appearance to the primary structure. The TPR is not applicable to this amendment as it will not significantly affect a transportation facility. No other element of the Comp Plan is applicable to this amendment.

12. Change Bed and Breakfast uses from a Conditional Use in the Commercial Districts to a Permitted Use

An objective of the Urbanization element of the Comp Plan is to “consistently apply and enforce the City’s development policies, codes, standards and other regulations to maintain community livability and ensure efficient use of land.” Currently, a Bed and Breakfast wanting to locate in the Commercial District would have to be approved through the Conditional Use process due to the Commercial District referencing the Residential District’s special use standards when regulating B&Bs. Lodging facilities are typically permitted outright in the Commercial district as they are a commercial use, as evidenced by motels and hotels being an outright permitted use. This amendment retains the standards associated with a Bed and Breakfast use, but permits them as an outright use. The TPR is not applicable to this amendment as it will not significantly affect a transportation facility. No other element of the Comp Plan is applicable to this amendment.

13. Remove conflicting language regarding Mobile Food Vendors

An objective of the Urbanization element of the Comp Plan is to “consistently apply and enforce the City’s development policies, codes, standards and other regulations to maintain community livability and ensure efficient use of land.” Mobile food vendors are addressed in two sections of the Code, 2.3.160 and 4.9. Section 2.3.160 lists standards that mobile food vendors need to comply with to be granted approval. It states in cases where the vendor is to stay on one site in excess of 72 hours, they need approval under section 4.9. However, section 4.9 states the permit is for temporary buildings, trailers kiosks or structures, except mobile food vendors. This is an internal inconsistency in the Code and one of the sections requires modification. The proposal is to remove the language in section 2.3.160 that requires section 4.9 approvals for time periods greater than 72 hours. Staff did receive a phone call regarding this amendment and the citizen felt the better option would be to remove the mobile food vendor exemption in section 4.9. This would require mobile food vendors to receive a Type II approval (\$100 fee) and would only be allowed on one site for a period of 18 months. The TPR is not applicable to this amendment as it will not significantly affect a transportation facility.

14. Allow Home Occupations for people residing in a dwelling unit within Commercial & Industrial Districts.

An objective of the Urbanization element of the Comp Plan is to “consistently apply and enforce the City’s development policies, codes, standards and other regulations to maintain community livability and ensure efficient use of land.” Someone residing in an apartment downtown that would like to start a home business would have to comply with commercial building regulations. This amendment allows small scale commercial activity regulated in the same fashion as a home occupation in the residential zones. The TPR is not applicable to this amendment as it will not significantly affect a transportation facility. No other element of the Comp Plan is applicable to this amendment.

15. Modify Industrial Districts purpose statements.

An objective of the Urbanization element of the Comp Plan is to “consistently apply and enforce the City’s development policies, codes, standards and other regulations to maintain community livability and ensure efficient use of land.” This amendment creates a more descriptive purpose statement in the Industrial Districts Chapter of the Code by creating an individual statement for each Industrial Zone, rather than one purpose statement for all Industrial Zones. The TPR is not applicable to this amendment as it will not significantly affect a transportation facility. No other element of the Comp Plan is applicable to this amendment.

16. Further define requirements for Record Drawings.

An objective of the Urbanization element of the Comp Plan is to “consistently apply and enforce the City’s development policies, codes, standards and other regulations to maintain community livability and ensure efficient use of land.” This amendment more clearly defines the submittal requirements for Record Drawings to ensure public records are better maintained. The TPR is not applicable to this amendment as it will not significantly affect a transportation facility. No other element of the Comp Plan is applicable to this amendment.

17. Provide language for, but not require, Good Neighbor Agreements.

The goal of the Citizen Involvement element of the Comp Plan is to “insure that the citizens of Silverton and those residents in the planning area have an opportunity to be involved with all phases of the planning process.” This amendment outlines the process and typical elements of a Good Neighbor Agreement for developers to use as a reference when working through the Land Use Application process. This creates a framework for developers to work directly with citizens during the early phase of a project to address any possible concerns and create a line of communication. The TPR is not applicable to this amendment as it will not significantly affect a transportation facility. No other element of the Comp Plan is applicable to this amendment.

18. Establish procedures and criteria for Lot Consolidations

An objective of the Urbanization element of the Comp Plan is to “consistently apply and enforce the City’s development policies, codes, standards and other regulations to maintain community livability and ensure efficient use of land.” An internal inconsistency within the Code prohibits the City from approving an application to combine two lots into one lot. This amendment creates a process to review and approve lot consolidations. The TPR is not applicable to this amendment as it will not significantly affect a transportation facility. No other element of the Comp Plan is applicable to this amendment.

19. Increase notice range from 500 feet to 700 feet for Type III & IV Procedures.

The goal of the Citizen Involvement element of the Comp Plan is to “insure that the citizens of Silverton and those residents in the planning area have an opportunity to be involved with all

phases of the planning process.” This amendment increases the notice range, thereby informing more citizens of current Land Use Applications. The TPR is not applicable to this amendment as it will not significantly affect a transportation facility. No other element of the Comp Plan is applicable to this amendment.

20. Remove the requirement that all new single family dwellings require a garage or carport.

An objective of the Urbanization element of the Comp Plan is to “consistently apply and enforce the City’s development policies, codes, standards and other regulations to maintain community livability and ensure efficient use of land.” This amendment allows flexibility when designing a new home. Covered parking is currently mandated for new dwellings. This allows the home building/designer the choice of providing covered parking. The TPR is not applicable to this amendment as it will not significantly affect a transportation facility. No other element of the Comp Plan is applicable to this amendment.

21. Allow Composting Facilities in the Industrial Districts as a Conditional Use.

An objective of the Urbanization element of the Comp Plan is to “consistently apply and enforce the City’s development policies, codes, standards and other regulations to maintain community livability and ensure efficient use of land.” Composting Facilities are uses that manufacture or produce goods or energy from the biological decomposition of organic material. Composting waste is an emerging trend to reduce the amount of recyclable material that ends up in a land fill. This amendment allows facilities provided they can prove compliance with the Industrial Performance Standards with review by the Planning Commission to address any additional impacts on a case by case basis. The TPR is not applicable to this amendment as it will not significantly affect a transportation facility. No other element of the Comp Plan is applicable to this amendment.

SECTION B.

The following details the proposed changes to the Silverton Development Code. The Development Code in its entirety can be found at <http://www.codepublishing.com/OR/Silverton.html>

1. The Planning Commission discussed Renewable Energy Facilities. This is in response to a statewide mandate:

2.2.200 Residential Districts – Special Use Standards

K. Renewable Energy Facilities. Where Renewable Energy Facilities are allowed, they shall require approval through Conditional Use Review (Type III) and conform to all of the following standards.

6. Exempt from Conditional Use Process. Installation and use of solar photovoltaic energy systems or solar thermal energy systems are exempt from the Conditional Use process and shall be processed as a Type I procedure if installation can be accomplished:
 - a. Without increasing the footprint of the structure.
 - b. Without increasing the peak height of the section of roofs with a slope of 6:12 or greater where the system is located
 - c. This exemption does not apply to solar energy systems located on structures that are federally or locally designated historic buildings, on landmark or conservation landmarks, and in a historic district or an area designated as a significant scenic resource unless the material used is designated anti-reflective or less than 11 percent reflective.

2. The Planning Commission discussed Industrial Performance standards.

1.4.170 Industrial Districts – Performance Standards

- A. Purpose.** The following performance standards apply to all industrially zoned properties, and are intended to minimize the potential adverse impacts of industrial activities on the general public and on other land uses or activities. They are not intended to prevent conflicts between different uses or activities that may occur on the same property.
- B. Confined Operations.** All uses and operations except storage, off-street parking, loading and unloading shall be confined, contained, and conducted wholly within completely enclosed buildings, unless outdoor activities have been approved as part of a Conditional Use approval.
- C. Vibration.** Every use shall be so operated that the ground vibration inherently and recurrently generated from equipment other than vehicles is not perceptible

without instruments at any boundary line of the property on which the use is located.

D. Odors. Emission of offensive odorous gases or other offensive odorous matter, to a reasonable person of normal sensitivities, in quantities as detectable at any point on any boundary line of the property on which the use is located shall be prohibited.

E. Heat and Glare. Uses and operations shall meet the following standards:

1. Operations producing heat or glare shall be conducted entirely within an enclosed building.
2. Exterior lighting on private property shall be screened, baffled, or directed away from adjacent residential properties. This is not intended to apply to street lighting.

F. Dangerous Substances. Any use which involves the presence, storage or handling of any explosive or nuclear waste product in a manner which would cause a health or safety hazard for any adjacent land use or site shall be prohibited.

G. Liquid and Solid Wastes. Uses and operations shall meet the following standards:

1. Any storage of wastes which attracts insects or rodents or otherwise creates a health hazard shall be abated as a nuisance.
2. Waste products which are stored outside shall be concealed from view from any property line by a sight-obscuring fence or planting as required in Section 3.2.
3. No connection with any public sewer shall be made or maintained in violation of applicable City or State standards.
4. No wastes conveyed shall be allowed to or permitted, caused to enter, or allowed to flow into any public sewer in violation of applicable City or State standards.
5. All drainage permitted to discharge into a street gutter, caused to enter or allowed to flow into any pond, lake, stream, or other natural water course shall be limited to surface waters or waters having similar characteristics as determined by the City, County, and State Department of Environmental Quality.
6. All operations shall be conducted in conformance with the City's standards and ordinances applying to sanitary and storm sewer discharges.

- H. Noise.** No noise or sound in an Industrial District shall be of a nature which will constitute a nuisance and shall not exceed the limits permitted under OAR 340-035-0005. Noise made by devices which are maintained and utilized solely to serve as warning devices is excluded from these regulations. Noise created by highway vehicles, trains, watercraft, and aircraft is also excluded from these regulations.
- I. Electrical Disturbances.** Except for electrical facilities wherein the City is preempted by other governmental entities, electrical disturbances generated by uses within the Industrial zones which interfere with the normal operation of equipment or instruments within the Industrial zones are prohibited. Electrical disturbances which routinely cause interference with normal activity in abutting residential use areas are also prohibited.
- J. Discharge Standards.** There shall be no emission of smoke, fallout, fly ash, dust, vapor, gases, or other forms of air pollution that may cause injury to human, plant, or animal life, or to property. Plans of construction and operation shall be subject to the recommendations and regulations of the State Department of Environmental Quality. All measurements of air pollution shall be by the procedures and with equipment approved by the State Department of Environmental Quality or equivalent and acceptable methods of measurement approved by the City. Persons responsible for a suspected source of air pollution upon the request of the City shall provide quantitative and qualitative information regarding the discharge that will adequately and accurately describe operation conditions.
- K. Open Burning.** This activity shall be prohibited.
- L. Storage.** Uses and operations shall meet the following standards:
1. Outdoor storage area shall be gravel surface or better and shall be suitable for the materials being handled and stored. If a gravel surface is not sufficient to meet the performance standards for the use, the area shall be suitably paved.
 2. Any open storage that would otherwise be visible at the property line shall be concealed from view at the abutting property line by a sight obscuring fence or planting not less than six (6) feet in height.
- M. Landscaping.** Uses and operations shall meet the following standards:
1. Landscaping for unused property disturbed during construction shall include such things as plantings of ornamental shrubs, lawns, native plants, and mowed, seeded field grass.
 2. Unused areas of undisturbed field grass may be maintained in their existing state. Stands of invasive weeds shall meet the Noxious Vegetation standards of SMC 8.04.110. These unused areas, located

within a phased development project or a future expansion cannot be included in the area calculated to meet the landscape requirements for the initial phase(s) of the development.

3. Unused property shall not be left with disturbed soils that are subject to siltation and erosion. Any disturbed soil shall be seeded for complete erosion cover germination and shall be subject to applicable erosion control standards.

-
3. *The Planning Commission has been discussing the possibility of creating a new Heavy Industrial Use category for industrial uses that have a higher potential to impact surrounding areas due to the intensity of operations. The Commission is recommending they be allowed through Design Review approval by the Planning Commission through a Public Hearing.*

1.6.300 Heavy Industrial

- A. **Characteristics.** Heavy Industrial firms typically create materials that are used by other industrial users, rather than the end consumer. These operations typically use processes that are energy, utility and/or material intensive in nature (i.e. ship building vs. furniture building). Most users bring materials in and ship products out, so goods are generally not displayed or sold on site. If sales occur, they are a subordinate part of the operation. Few customers come to an industrial site. Any use that utilizes or creates Hazardous Waste, Heavy Metals and/or Pollutants of Concern (as defined by Oregon DEQ) as a primary component or byproduct may be classified as Heavy Industrial.
- B. **Accessory Uses.** Accessory uses may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, rail spurs or lead lines, docks, repair facilities, or truck fleets. Living quarters for one caretaker per site are allowed, not to exceed 800 square feet. Other living quarters are subject to the regulations for residential uses.
- C. **Examples.** Auto and truck salvage and wrecking; slaughterhouses, and meatpacking; feed lots and animal dipping; fuel oil distributors; solid fuel yards; pulp and paper mills; production of chemical, rubber, leather, or plastic; manufacture or storage of weapons, ammunition and/or fireworks; concrete batching and asphalt mixing; production of metals or metal products including enameling and galvanizing; waste-related uses also include uses that receive hazardous wastes from others and are subject to the regulations of OAR 340-100 through 340-110, Hazardous Waste Management; sanitary landfills; and hazardous-waste-collection sites.

D. Exceptions.

1. Small-scale (up to 5,000 square feet of gross floor area) for weapons and ammunition sales and storage are considered a retail use.
2. Small-scale (up to 5,000 square feet of gross floor area) for slaughterhouses and meatpacking operations are considered a retail use.

Table 2.4.110

Uses	Status of Use in District		
Use Categories (Examples of uses are in Chapter 1.6 SDC; definitions are in Chapter 1.5 SDC)	Industrial (I)	Light Industrial (LI)	Industrial Park (IP)
Industrial Categories			
Heavy Industrial	P	P	PH
<p>Key:</p> <p>P = Permitted, subject to land use review or design review (Chapter 4.2 SDC)</p> <p>PH= Permitted, subject to design review conducted by the planning commission in a public hearing</p> <p>S = Permitted with standards (SDC 2.4.140). Standards may be modified with a planned development</p> <p>CU = Conditional use required (Chapter 4.4 SDC)</p> <p>N = Not permitted</p>			

4. The Planning Commission has been discussing how to address the emerging trend of converting shipping containers or other items into dwellings and is recommending they be defined and prohibited.

1.5.300 Definitions

“Shipping Container or converted vehicles”. A shipping container, bus, rail car, or other vehicle originally intended for storage or moving of people or goods, that has been converted for residential use.

Table 2.2.110.A – Land Uses Allowed in Residential Districts (R-1, R-5, RM-10, RM-20)

Uses	Status of Use in District			
Use Categories (Examples of uses are in Chapter 1.6 SDC; definitions are in Chapter 1.5 SDC.)	Single-Family Residential (R-1)	Low Density Residential (R-5)	Multiple-Family Residential (RM-10)	Multiple-Family Residential (RM-20)
Residential Categories				
Household Living				
Shipping Container or converted vehicles	N	N	N	N

5. *The Planning Commission considered implementation standards for Master Plans.*

4.1.200 Citizen Involvement Procedures for the Implementation of Master Plans.

A. Purpose. The purpose of this section is to establish procedures for encouraging citizen involvement during the implementation of capital projects identified in City Master Plans. By adequately engaging the public during the implementation of public projects, citizens will be able to understand the purpose of a project and the issues it will be addressing.

B. Citizen Involvement Procedures. Utilizing City Master Plans developed with citizen input, City Council should approve a Capital Improvement Plan that prioritizes projects listed in the Master Plan. Council could then identify projects during the budget process to allocate funds to construct the project. Projects that replace aging infrastructure, provide a necessary increase in utility capacity, address a health and safety issue, provide routine maintenance, and similar projects may provide an informational notice to residents near the project area in advance of construction. When a decision has been made to move forward with a public project that affects the public interest (such as a park or streetscape improvement project), an Open House type meeting should be publically advertised to discuss the project with the community and citizens in the affected area.

The Open House should inform citizens of specific project details and provide community members with the opportunity to publically ask questions and provide comments on the project. Notice of the Open House should also be sent to all individuals who have participated in the master planning process, including members of the Master Plan’s Project Advisory Committee. City Staff should present a summary of the Open House public comments to City

Council so that they may consider refinement of the project scope or design. Once City Council determines the final scope and design of a project, City Staff can be directed to construct the project.

5 Continued: The Commission considered processes for developing and amending Master Plans:

4.1.190 Citizen Involvement Procedures for Developing and Amending City Master Plans.

- A. Purpose.** The purpose of this section is to establish guidelines for encouraging citizen involvement during all phases of the master planning process. By adequately engaging the public during the development and amendment of City Master Plans, it is more likely that citizens will be aware of their existence, understand their purpose, and be knowledgeable about the issues they are addressing. Most importantly, by encouraging citizens to be involved early in the master planning process, community members will have the opportunity to influence what is contained in adopted Master Plans. The following is intended to aid the Master Planning process but does not bind to the City to perform every listed involvement method.
- B. Citizen Involvement During the Master Plan Scoping Process.** Citizens who have suggestions to improve public facilities, services, or outdated Master Plans are encouraged to present their ideas to City Council and/or City Staff in writing and/or verbally at regular Council meetings. Suggestions submitted to City Staff will be provided to the Council during the Council Goal Setting process for their consideration.

When City Council directs Staff to develop a Master Plan, a kickoff meeting for the project should be scheduled and advertised. The goal of the Project Kickoff/Town Hall Meeting should be to inform citizens that a Master Plan has been initiated, what a Master Plan is, why it is important, future implications the Plan could have on the community, and to highlight ways citizens can be involved in the process. After the Project Kickoff Meeting, a Citizen Involvement Plan should be developed for the project.

- C. Citizen Involvement During the Development and Amendment of Draft Master Plans.** The following list of citizen involvement methods are not comprehensive and may be used for the development and amendment of Master Plans. Failure to conduct any or all of the listed methods or other methods does not constitute an appealable issue.
- Stakeholder Interviews – Stakeholders are community members which are not serving on the Project Advisory Committee, but have a vested interest in

the outcome of the Master Plan. Interviews of stakeholders could be conducted by phone or in person.

- Surveys – Questionnaires could be distributed by mail, distributed at public meetings, or be setup online.
- Public Meetings at Key Milestones – Over the planning process, City Staff should host public meetings at key project milestones. Because each project will have unique information to communicate and different types of citizen input required, the public meeting formats will vary. Formats may include workshops, town hall meetings, open houses, presentations, and discussion groups. Public meetings should be interactive whenever possible. To ensure equal access to all community members, the City of Silverton should reasonably modify policies/procedures and provide auxiliary aids/services to persons with disabilities. Staff can also provide materials in other languages when requested.
- Private Organization Meetings and Events – When requested, City Staff should present Master Plan project information, solicit input, and participate in neighborhood/HOA meetings, community association meetings, and community events and festivals.
- Website – The City’s website should host a specific webpage for each Master Plan under development or amendment. The site will include an overview of the planning project, meeting calendar, project updates, meeting agendas, notes, technical project documents, frequently asked questions and answers, and a summary of public comments received.
- Updates for Planning Commission and City Council – Staff should provide regular updates regarding the Plan and the citizen involvement process to gain Planning Commission and City Council input.
- Community Development Department staff should provide regular updates to all individuals that participated in the planning process. Care should be taken to obtain contact information from everyone that provides comments or input on a Master Plan so that City Staff can keep them updated with newsletters, fact sheets, and schedule changes. The Project Advisory Committee and other interested citizens should be sent status updates at the completion of each project milestone. An ongoing record of citizen input shall be maintained and available to the public at City Hall.
- Upon development or amendment of a draft Master Plan, City Staff should send a notice of public hearing before the Planning Commission and City Council to all individuals which have participated in the planning process, at least 20 days before each hearing. Staff should make a hard copy of the draft Plan available for public viewing in the Community Development Department. Notice of the hearings should also be sent to specifically

affected areas. This notice should contain general information about the Master Plan and capital projects.

6. The Planning Commission discussed funeral services as an outright use in commercial and industrial zones and cemeteries, mausoleums and crematoriums as a Conditional Use.

Table 2.3.110 – Uses Permitted in Commercial Districts

	DC	GC	DCF
Funeral Services	P	P	P
Cemeteries, Mausoleums, & Crematoriums	CU	CU	CU

2.4.110 Industrial district – Allowed uses.

	I	LI	IP
Funeral Services	P	P	P
Cemeteries, Mausoleums, & Crematoriums	CU	CU	CU

1.6 Use Categories

7. The Planning Commission discussed the addition of a Wildlife Rehabilitation Facility use category to allow the use on Public overlay lands:

1.6.520 Wildlife Rehabilitation Facility

- A. Characteristics.** Facility for the caring of injured, orphaned, or sick wild animals with the goal of providing food, housing, and medical care of those animals and returning them to the wild after treatment.
- B. Accessory Uses.** Accessory uses includes offices, exhibits, classrooms and educational facilities, exterior habitats for rehabilitating animals, and habitats for educational animals as permitted by the State of Oregon.
- C. Use Example.** Types of uses include, but are not limited to: wildlife rehabilitation facilities and nature centers.
- D. Exceptions.** Wildlife rehabilitation activities that are prohibited by the State of Oregon.

2.8.150 Public District – Allowed Land Uses

Public (P)

Institutional Categories	
Wildlife Rehabilitation Facility	CU

2.2 Residential Districts

8. The Planning Commission discussed the following standards for the R-1 Single-Family Residential District:

Table 2.2.120.A – Development Standards for Residential Districts

Standard	R-1	R-5	RM-10	RM-20
Minimum Lot Depth	60'	60'	60'	60'
Special setbacks for accessory structures less than 200 square feet on corner lots	10' from street property lines and 5' rear property lines at least 50' from through curb intersection, outside of any vision clearance area.			
Farm use, keeping of livestock, except roosters and swine, if greater than 1 acre	P	N	N	N
Farm use, Chickens	S	N	N	N
Accessory structures (with a primary use)				
- No taller than 22 ft. and no larger than 800 square feet of building footprint	S	S	S	S
- Taller than 22 ft. or larger than 800 square feet of building footprint, not to exceed primary structure's floor area	CU	CU	CU	CU

Key:

P = Permitted, subject to land use review

S = Permitted with standards (SDC [2.2.200](#)), except standards may be modified with a planned development overlay

9. The Planning Commission discussed the following standards for urban chickens:

2.2.200.M Chickens. Where chickens are allowed, they shall conform to all of the following standards:

1. A lot shall be limited to the keeping of three (3) or fewer chickens. Roosters are not permitted.

2. The chickens shall be housed in an enclosure a minimum of 10 feet from property lines and 20 feet from dwellings on adjacent properties.
3. The chickens shall be kept in a state that does not constitute a public nuisance, which includes, but is not limited to chickens roaming at large, chickens kept in an unclean and unsanitary condition, and obnoxious smells and substances. If the Community Development Director or designee determines a nuisance exists, the City shall follow the applicable regulations to abate the nuisance.

10. The Planning Commission discussed Accessory design standards:

2.2.200.L. Accessory Structure. Accessory structures shall conform to all of the following standards:

1. Floor Area. Accessory structures with a building footprint greater than 200 square feet and no more than 800 square feet are permitted under the Type I approval process. Accessory structures with a building footprint greater than 800 square feet may be permitted under the Conditional Use approval process.
2. Oregon Structural Specialty Code. The accessory structure shall comply with the Oregon Structural Specialty Code;
3. Development Standards. The structure shall conform to the lot standards in Table 2.2.120, except as modified below:
 - a. The height of an accessory structure shall not exceed twenty-two (22) feet, unless permitted under the Conditional Use approval process.
 - b. Accessory structures with building footprints that exceeds 200 square feet shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on the primary residence;
 - c. The accessory structure shall be setback not less than twenty (20) feet from the front property line, five (5) feet from side property lines, and five (5) feet from the rear property line.

2.3 Commercial Districts

11. The Planning Commission discussed bed and breakfasts in commercial zones:

2.2.110 Commercial Districts – Allowed Land Uses

Table 2.3.110 – Uses Permitted in Commercial Districts

Use Categories (Examples of uses are in Chapter 1.6 SDC; definitions are in Chapter 1.5 SDC)	Downtown Commercial (DC)	General Commercial (GC)	Downtown Commercial (DCF)
Bed and breakfast inn, per SDC 2.2.200	P	P	P

2.3 Commercial Districts

12. The Planning Commission discussed removing conflicting language from the Code regarding Mobile Food Vendors.

2.3.160 Commercial Districts – Special Use Standards

B. Mobile Food Vendors. Where mobile food vendors are allowed, they shall conform to all of the following standards, which are intended to protect the public health, safety and welfare. The owner shall submit a site plan drawn to scale with supporting written information to the director demonstrating compliance with all of the following criteria. A mobile food vendor shall not commence operations until the city has issued approval in writing.

2. “Mobile Food Vendors” for the purposes of this section, means any kiosk, shed, shelter, trailer, vehicle, wagon, or other similar device which is used for the purpose of preparing, processing, or converting food for immediate consumption as a drive-in, drive-through, curbside, or walk-up service that remains in or on any one site or tax lot. ~~for less than 72 hours. Food vendors exceeding a 72-hour occupancy must have prior approval as a temporary use under Chapter 4.9 SDC.~~

~~13. Mobile food vendors not otherwise approved as a temporary use must be moved off premises and lawfully stored within 72 hours of being placed on the premises.~~

13. Home Occupation Standards

2.3.160 E. Special Status for Residential Dwellings in Commercial and Industrial Districts.

People residing in a dwelling unit in a commercial district intending to start a commercial use may request the commercial use be classified as a Home Occupation Use provided the commercial use is accessory to the residential use and the Home Occupation standards of 2.2.200.G are met.

2.4 Industrial Districts

14. *The Planning Commission discussed the following three descriptions in the Industrial Districts Purpose Statement:*

2.4.100 Industrial Districts – Purpose

- **Industrial District** – Provides appropriate locations for intensive industrial uses including heavy industrial uses as well as railroad yards and waste-related activities. Uses include those which involve the use of raw materials, require significant outdoor storage and generate heavy truck and/or rail traffic. Properties are carefully located to minimize impacts on established residential, commercial and light industrial areas.
- **Light Industrial District** – Provides appropriate locations for general industrial uses, including manufacturing and production, research and development, warehousing and freight movement and wholesale sales activities with few, if any, nuisance characteristics.
- **Industrial Park District** – Provides appropriate locations for combining light manufacturing, office and small-scale commercial uses (restaurants, personal services and fitness centers) in a campus-like setting.

3.4 Public Facilities

15. *The Planning Commission discussed to more clearly define what is submitted to Public Works for Record Drawings where previously the generic term “as built” was used.*

3.4.800 Installation

- D. Engineer’s Certification and As-Built Plans.** A registered civil engineer shall provide written certification in a form required by the City that all improvements, workmanship, and materials are in accordance with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to City acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer’s engineer shall also provide one set of record drawings in photo Mylar (3-mil. Minimum); and a CD containing the digital record drawings in both AutoCAD (check with Public Works Department to determine Release Format) and Portable Document File (.pdf) format, in conformance with Design Standards specifications, for permanent filing with the City.

16. At a previous Planning Commission work session, Good Neighbor Agreements were identified as a tool to promote good will, understanding, and communication between different uses. Good Neighbor Agreements typically define goals, duties, responsibilities, and create a clear line of communication for neighbors to utilize should problems arise.

4.1.170 Neighborhood Contact for Private Development Projects

- A. Good Neighbor Agreement.** Applicants are highly encouraged to use a Good Neighbor Agreement as a way of involving the community during the development of their land use application. Good Neighbor Agreements are founded in the belief that, in part, a successful neighborhood depends on the businesses within their borders and that a successful business depends, in part, on the support of the surrounding community. The purpose of a Good Neighbor Agreement is to proactively address livability concerns associated with the proposed use. City Staff may be contacted to offer suggestions on how to establish a Good Neighbor Agreement.

Typical elements of a GNA include, but are not limited to:

- a. Noise management;
- b. Hours of operation;
- c. Litter management;
- d. Traffic issues
- e. Lighting;
- f. Communications, including a process for receiving, recording, and responding to community comments;
- g. Security;
- h. Safety
- i. Parking
- j. Screening of operations
- k. Maintenance of a neighborhood advisory committee;
- l. Enforcement of the Good Neighbor Agreement;
- m. Exceptions to the Good Neighbor Agreement;
- n. Process and requirements for updating, amending, or terminating the Good Neighbor Agreement; and
- o. Effective date, term of the agreement, and date of expiration.

18. Create process and criteria for Lot Consolidations.

4.3.220 Lot Consolidations

A Lot Consolidation is the removal of a lot line(s) within a site to create one lot. The application submission and approval process is as follows:

- A. Submission Requirements.** All applications for Lot Consolidations shall be made on forms provided by the City and shall include information required for a Type I applications, as governed by Section 4.1.200. The application shall include a

preliminary map drawn to scale identifying all existing and proposed lot lines and dimensions; footprints and dimensions of existing structures (including accessory structures); location and dimensions of driveways and public and private streets within or abutting the subject lots; wetlands; flood plain; existing fences and walls; easements, required fee, and any other information deemed necessary by the Community Development Director or designee for ensuring compliance with City codes.

B. Approval Process.

1. Decision-making process. Property line adjustments shall be reviewed by means of a Type II procedure, as governed by Section 4.1.200, using review criteria contained in Section 4.3.220.C below.
2. Time limit on approval. The property line adjustment approval shall be effective for a period of one year from the date of approval, during which time it must be recorded.

C. Review Criteria. The Community Development Director or designee shall consider the following review criteria and may approve, approve with conditions or deny a request for a Lot Consolidation in writing based on all of the following, the applicant shall bear the burden of proof.:

1. One Lot Created. The application results in lot lines being removed within a site to create one lot;
2. Allowed Land Uses. The application is consistent with the Allowed Land Uses of the zoning district.
3. Zoning. The lots involved in the application are designated the same zoning district. A Zone Change application may be filed concurrently with a Lot Consolidation application if the lots involved do not have the same zoning designation. Approval of the Lot Consolidation will be dependent on approval of the Zone Change and all applicable Review Criteria.

D. Recording Lot Consolidations.

1. Recording. Upon the City's approval of the proposed lot consolidation, the applicant shall record the lot consolidation with the County within 1 year of approval (or the decision expires), and submit a copy of the recorded survey map to the City, to be filed with the approved application.
2. For the consolidation of lots or parcels of a recorded plat, the lot consolidation shall be finalized by a replat of the subdivision or partition.
3. The County Assessor may consolidate parcels or tracts of land that are not within a recorded plat.

E. Extension.

The Community Development Director shall, upon written request by the applicant and payment of the required fee, grant a written extension of the approval period not to exceed one year provided that:

1. No changes are made to the original lot consolidation as approved by the City;
2. The applicant can show intent of recording the approved plan within the one-year extension period;
3. There have been no changes in the applicable Code or plan provisions on which the approval was based. In the case where the lot consolidation conflicts with a code change, the extension shall be denied; and
4. The extension request is made before expiration of the original approved plan.

19. Increase mailed notice range from 500 feet to 700 feet for Type III & IV procedures.

4.1.400.C

1. Mailed notice. The City shall mail the notice of the Type III hearing. The records of the County Assessor's Office are the official records for determining ownership. Notice of a Type III application hearing or Type II appeal hearing shall be given by the Community Development Director or designee in the following manner:
 - a. At least 20 days before the hearing date, notice shall be mailed to:
 - (1) The applicant and all owners or contract purchasers of record of the property that is the subject of the application;
 - (2) All property owners of record and residents within 700 feet of the site;

4.1.500.D.2.a.ii. All property owners and residents within 700 feet of the subject site

20. Remove the requirement that all new single family dwellings require a garage or carport

2.2.190.C.4

- ~~4. Garage. A garage or carport meeting the parking requirements, whether attached or detached, shall be required for all new single-family homes.~~

21. Allow Composting Facilities in the Industrial Districts as a Conditional Use.

2.4.110 Industrial district – Allowed uses.

Industrial Categories	I	LI	IP
Waste-related	CU	CU	N
- Composting Facilities	CU	CU	CU

III. SUMMARY AND CONCLUSION

Findings have been made for all of the applicable Code sections. The proposed Development Code amendments meet all applicable Silverton Development Code Review Criteria.

The Planning Commission held a public hearing on December 10, 2013 to hear public testimony and to evaluate the proposed Development Code Amendments.

The Planning Commission adopted a resolution recommending the City Council adopt the proposed Development Code Amendments.

The City Council met in a duly advertised public hearing on February 3, 2014 to consider the Planning Commission’s recommendation and to hear public testimony regarding the proposed Development Code Amendments.

Staff finds the application, as presented, meets or can meet the applicable City codes and requirements.

City Council Options:

1. APPROVAL of the proposed Development Code Amendments by adopting findings declaring it meets the review criteria.
2. DENIAL of the proposed Development Code Amendments and adopt findings declaring it does not meet the review criteria.
3. MODIFICATION of the proposed Development Code Amendments so that it meets the review criteria and adopting findings declaring the modified proposal meets the review criteria.

Staff and the Planning Commission recommends the City Council approve the proposed Development Code Amendments by adopting findings that it meets the review criteria.


ATTACHMENT B: TESTIMONY

Silverton City Council

Re: Keeping chickens at a R1 dwelling in Silverton.

I believe the poultry should be restricted to the rear set-back of the property and perhaps 12' from neighbor's bedrooms.

Respectfully,


William France
Silverton, OR





To: *Silverton Planning Commission*
RE: *Amendments to the Silverton Development Code:File No. DC 13-01 Hearing Dec. 10, 2013*

What is best for the Citizens and the Town of Silverton?

Changing rules and zoning laws are not always in the best interests of Silverton Citizens. Special interests are always trying to find ways to further their own plans. Do you want a livable, environmentally safe environment with good schools, housing and businesses that set a standard for other small towns? Or do you fall in line with the latest trends?

The City Council is elected and the planning commission is appointed. Try and remember what is best for Silverton. The following criteria we do not believe meets this standard.

- 3. A Heavy Industrial Use Category should *Not* be allowed due to their appearance, noise, odor, risk of toxic emissions, or fire and explosion hazards. They are incompatible with residential, commercial, and other land uses for a Norman Rockwell type of town such as Silverton. Question: Would you like it anywhere near your residential area? We urge the Commission to Vote NO!
- 4. Silverton is not like the Gulf War or Katrina where it was necessary to bring in CHEAP housing for Homeless or Military operations. This would only degrade the Charm of Silverton. It is not reasonable to compare Manufactured Homes with Container Homes. Question: Would you like one next door in your residential area? We urge the Commission to Vote NO!
- 21. DO NOT increase notice range from 500 ft. to 700ft for Type III & IV Procedures.
- 22. Removing the requirement that all SF Dwellings not have a garage or carport does the following:
 - a. Build a Cheaper home
 - b. Build on a Smaller lot
 - c. Puts more cars on the street and creates a safety hazard.
 - d. Does not allow SF Dwellings to have a car shelter or extra storage space. Extra storage would be on a porch (if they had one) or outside the house on the street.Question: Would the Commission like a home without a garage or carport? We urge the Commission to Vote NO!

Thank You for your consideration.


Craig & Joan Clark
251 Steelhammer Rd
Silverton, OR. 97381

12/6/13

I hearby submit the following comments for the public hearing on the proposed amendments to the Silverton Development Code:

Planning Commission

Re: Proposed amendments to the Development Code

Codes should be enforceable and enforced, not optional. Do not adopt something you are not going to be able to regulate. Saying you will send offenders to court just compounds the problem by overwhelming already busy courts.

I specifically disagree with the following proposed amendments:

10. "Allow three chickens..." We live in an agricultural area. If people want to raise chickens, they can find a farm friend and board them. Currently chickens are not allowed unless over one acre of land. Drive up Main Street after Danger Hill. Frequently more than three hens are running around the yard right next to the street. And this does not look like a one acre plot. Further down Main, a rooster crows on the front porch. Do you really think you can handle more chickens? Latest news stories tell how disillusioned owners "free" their hens when they grow tired of caring for them. Do you need to clog the courts with chicken issues? Add more police calls about roosters?

17. "Increase minimum diameter of street trees to 3" from 2" :'" The caliper of a tree is measured at about 4.5 feet from the ground known as DBH (Diameter Breast High). Again, you haven't enforced the 2" rule. The ARC in Abiqua Heights has tried to enforce it as it is also mentioned in our CC&Rs to have street trees that meet the city requirements. When residents plant trees of less than 2" diameter, they are asked to replace them. But when the city was asked to back up these requests, there was no support from the city planner. Further, buying a 2' caliper tree is difficult enough and is on average a 12' tall tree. Local nurseries don't stock 3" caliper trees. Residents would have to special order and pay for delivery and planting as a 3" diameter tree is too large to handle easily. To encourage compliance, a 2" tree is sufficient. It is a manageable size for the homeowner to handle. Again, enforcement is the issue. Why make it more unenforceable by "requiring" an oversized tree?

Bette Stewart
560 Tillicum Dr.
Silverton, OR 97381
503.873.3444

Silverton Mayor
Silverton City Council
Bob Willoughby, Silverton City Manager
Jason Gottgetreu, Silverton Development Director

Dear Jason,

Referencing Notice of Public Hearing: File No. DC 13-01 Item # 13 *Removal of conflicting language regarding Mobile Food Vendors.*

Per our conversation last month, this proposal would remove "Food vendors exceeding a 72-hour occupancy must have prior approval as a temporary use under Chapter 4.9 SDC." from SDC Title 18 - 2.3.160. Removal of mobile food vendors from this clause would allow for unlimited renewal of their business licenses.

The current Silverton Municipal Code recognizes a "mobile food vendor" as a **transient** business. If this was NOT the intent, their business license would not have this exact word in their designation.

Dictionary.com defines 'transient' as;

adjective

1. *not lasting, enduring, or permanent; transitory.*
2. *lasting only a short time; existing briefly; temporary: transient authority.*
3. *staying only a short time: the transient guests at a hotel.*
4. *Philosophy, transeunt.*

noun

5. *a person or thing that is transient, especially a temporary guest, boarder, laborer, or the like.*

Clearly the intent of the current Silverton Municipal Code is to recognize a "mobile food vendor" as a **temporary** business and limited to 72-hours of occupation.

There is an issue with the utilization of a permanent structure under a temporary permit.

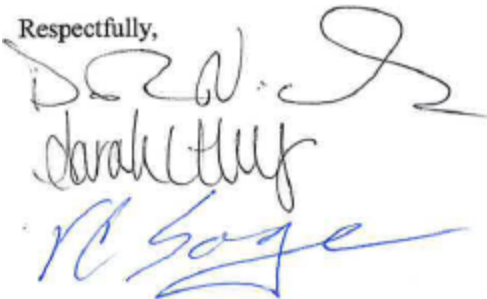
Accordingly, I respectfully suggest the removal of verbiage as proposed **and** the removal of "Except as approved for mobile food vendors" from 4.9.100-C. This would align mobile food vendors with the original intent of the code: a maximum of 72-hour occupation.

To continue to license a temporary facility undermines the overall appearance of the town and the integrity of the structural buildings. To maintain a temporary façade is to avoid the fees or costs associated with a permanent structure.

~~There is an issue with the utilization of a permanent structure under a temporary permit.~~

Additionally, any 'temporary' structure in place for more than 18 months should be subject to the same rules and regulations as a permanent structure, as it is assuming the function of a permanent facility.

Respectfully,



Bob Willoughby

ATTACHMENT C: APPEAL INFORMATION

The applicant or owner of the subject property, or any person who participated in the proceeding by submitting oral or written comments have legal standing to appeal a Type IV decision.

Any interested person who disagrees with the City Council's decision may request that the application be considered by the Land Use Board of Appeals (LUBA) in conformance with ORS 197.830. An appeal must be submitted to LUBA within 21 days of the day the notice of decision is mailed.

The complete file is available in the Community Development Department at City Hall located at 306 South Water Street for review.

For further appeal information, contact Jason Gottgetreu at (503)874-2212.